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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,355	11/24/2003	Mark S. Rense	135427/GECZ 2 00687	4678
27885	7590	06/15/2006	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			RIELLEY, ELIZABETH A	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/720,355	<b>Applicant(s)</b> RENSE, MARK S.	
	<b>Examiner</b> Elizabeth A. Rielley	<b>Art Unit</b> 2879	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7,9-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 18-22 is/are allowed.
- 6) ☒ Claim(s) 7 and 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

Amendment filed 3/20/06 has been entered and considered by the Examiner. Currently, claims 7, 9-16, and 18-22 are pending in the instant application.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9-13, and 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Noll et al (US 6060820) in view of Gagnon et al (US 6078128).

In regard to claim 7, Noll et al ('820) teach a lamp (figure 1) comprising: a reflector housing (40; column 4 lines 54-65) including a reflective portion (43), a heel portion (46; column 5 lines 34-40) and a nose (49; column 5 lines 56-67), wherein the nose includes an opening (53; column 6 lines 1-6); a light source disposed in said reflector housing (41); a pair of leads connected to said light source (59; column 5 lines 9-13); an eyelet (51; column 5 lines 56-67) protruding completely through the opening (53) in the

nose (49) and receiving one of said leads (50; see figure 1), eyelet (51) includes a tubular portion (see figure 1) and a flange (70; column 6 lines 1-5); and a positioning member (44; column 5 lines 41-52) disposed in the heel portion (46) of said reflector (40), said positioning member (44) including an opening (not numbered; column 5 lines 41-45), the opening (not numbered) receiving said light source (41; see figure 1). Noll et al ('820) are silent regarding the limitation of the tubular portion has substantially homogenous strength characteristics throughout the length of the tubular portion. Gagnon et al ('128) teach an eyelet (26) that has substantially homogenous strength characteristics throughout the length of the tubular portion (column 2 line 43 – column 3 line 32) in order improve focal position of the lamp (column 1 lines 40-50; claim 1). Hence, it would have been obvious at the time of the invention to one of ordinary skill in the art to combine the lamp of Noll et al ('820) with the eyelet of Gagnon et al ('128). Motivation to combine would be to improve focal positions of the lamp.

In regard to claims 9 and 21, Noll et al ('820) teach that the eyelet includes a tubular portion (see figure 1) having a first end (not numbered), a second end (not numbered) and a flange at the first end of the tubular portion (70). Noll et al ('820) are silent regarding the limitation of the tubular portion comprises a wall having a substantially uniform thickness from the first end to the second end. Gagnon et al ('128) teach the tubular portion of an eyelet (26) comprises a wall having a substantially uniform thickness from the first end to the second end (column 2 line 43 – column 3 line 32) in order improve focal position of the lamp (column 1 lines 40-46; claim 1). Hence, it would have been obvious at the time of the invention to one of ordinary skill in the art to combine the lamp of Noll et al ('820) with the eyelet of Gagnon et al ('128). Motivation to combine would be to improve focal positions of the lamp.

In regard to claim 10, Noll et al ('820) teach a shoulder (67; column 5 lines 41-52) protruding inwardly from a wall of the heel portion (46), wherein said positioning member (44) rests on said shoulder (see figure 1).

In regard to claim 11, Noll et al ('820) teach that the positioning member (44) rests on the shoulder (67) with no greater force than the weight of said positioning member (44), and said light source (41; see figure 1, only the light source 41 is on the positioning member 44, which rests on the shoulder 67).

In regard to claim 12, Noll et al ('820) teach the opening in the nose (49) has a first diameter at a surface of the nose facing the reflective portion (the diameter with 70) and a second larger diameter (on 73) at a surface facing away from the reflective portion (43; see figure 1).

In regard to claim 13, Noll et al ('820) teach that the eyelet (51) includes a swaged portion (52) engaging said nose (49; see figure 1).

In regard to claim 15, Noll et al ('820) teach that the positioning member (44) consists essentially of aluminum (column 5 line 41-43<sup>1</sup>).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noll et al (US 6060820) in view of Gagnon et al (US 6078128) and in further view of Noll et al (US 6210029).

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<sup>1</sup> <http://metals.about.com/od/sheetmetal/>

Noll ('820) teach all the limitations set forth, as described above, except the positioning member includes a pair of tabs positioned on opposite sides of the opening in the positioning member, wherein the tabs engage the light source. Noll et al ('209) disclose a positioning member (10; figure 5; column 4 lines 30-50) includes a pair of tabs (21) positioned on opposite sides of the opening in the positioning member, wherein the tabs engage the light source (see figure 2; column 2 lines 7-8) in order to fix the lamp to the disk (column 2 lines 7-8). Hence, it would have been obvious at the time of the invention to one of ordinary skill in the art to combine the lamp of Noll et al ('820) with the positioning member of Noll ('209). Motivation to combine would be to fix the lamp to the disk.

***Allowable Subject Matter***

Claims 16 and 18-22 are allowed.

***Response to Arguments***

Applicant's arguments given in the phone Interview on 6/6/06 have been fully considered but they are not persuasive.

In regard to Applicant's argument that the prior art of record fails to teach a tubular portion that has substantially homogenous strength characteristics throughout the length of the tubular portion, the Examiner respectfully disagrees. Applicant's specification does not explicitly state what these homogenous strength characteristics are in the tubular portions. Paragraph 16 states, "the tubular portion 52 has a generally constant thickness and homogenous strength characteristic throughout the tubular portion for ease of manufacture". No other details are given describing the homogenous strength

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characteristic. Gagnon et al ('128) teaches "[w]ith multiple grooves or slits, the eyelet 26 is less likely to over stress any particular point along the inside of the formed passage 16" (column 2 line 67 to column 3 line 2) and again, "[t]he pressure of the bowing eyelet can only achieve a limited level before the weakened zones or slits allow the eyelet tube wall to distort or fail. The wall distortion allows the wall sections to buckle or ride over each other. This buckling also provides thermal expansion and contractions of the eyelet with respect to the lamp to be relieved." (Column 4 lines 21-27). These slits are strength characteristics of the tubular portion, that is, the slits improve the strength of the eyelets by enabling the eyelet release the tension and load between the eyelet and the glass (column 4 lines 46-58). Therefore, the slits in the tubular portion, as taught by Gagnon, increase the ability to handle stress throughout the length of the tubular portion, and hence, the slits are a homogeneous (column 3 lines 2-5) strength characteristic.

Therefore, the prior art of record teaches all the limitations in the current application.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Rielley whose telephone number is 571-272-2117. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Elizabeth Rielley

*Examiner*  
Art Unit 2879

  
MARICELI SANTIAGO  
PRIMARY EXAMINER